

MS 243 Responding to Sexual Assault

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Responsible Offices: Office of Global Operations, Office of Safety and Security, Office of Victim Advocacy, Office of Health Services, Office of the General Counsel

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MS 243 Procedures for Responding to Sexual Assault

MS 243 Frequently Asked Questions

Coordinated Agency Response Case Management System Procedures (CARS CMS)

Attachment A - Memorandum of Understanding Between the Peace Corps and the Peace Corps Inspector General

1.0 Purpose

This Manual Section establishes a system of Restricted and Standard Reporting of Sexual Assault in accordance with the requirements of the Kate Puzey Peace Corps Volunteer Protection Act of 2011.

The system of reporting established in this policy can only be pursued by a Volunteer who has been sexually assaulted. Standard Reporting provides a Volunteer with the full array of support services and options, including the opportunity to initiate an Official Investigation, while still maintaining to the extent possible the confidentiality of information about the Volunteer and the Sexual Assault. The Peace Corps believes that it is best able to respond to the needs of a Volunteer who has been sexually assaulted when the Volunteer makes a Standard Report of the Sexual Assault. Restricted Reporting provides a Volunteer who might not otherwise report a Sexual Assault under Standard Reporting with the option of confidentially reporting the Sexual Assault and requesting certain specific services, without dissemination of information about the Volunteer or the Sexual Assault beyond those who are directly providing the services requested by the Volunteer and without automatically triggering an Official Investigation. A Volunteer who has been sexually assaulted during his or her service has the option to make either a Restricted Report or a Standard Report of a Sexual Assault.

2.0 Authority

3.0 Definitions

- (a) “Designated Security Specialist” means a staff member in the Office of Safety and Security at Headquarters who has been trained to handle Restricted and Standard Reports and has been assigned by the Associate Director of the Office of Safety and Security to assess whether there is a Serious or Imminent Threat arising from a particular incident that is the subject of a Restricted Report and, if necessary, to direct and coordinate actions to mitigate the Serious or Imminent Threat.
- (b) “Designated Staff” means:
 - (i) at post, Peace Corps Medical Officers (PCMOs), Sexual Assault Response Liaisons (SARLs), and Safety and Security Managers (SSMs); and
 - (ii) at Headquarters, the Director of the Office of Victim Advocacy, the Victim Advocate in the Office of Victim Advocacy who is assigned to the particular case and the Designated Security Specialist.
- (c) “Medical Treatment Plan” means a plan developed by a PCMO to address the medical treatment needs of a Volunteer who has been sexually assaulted, including treatment of physical injuries; mental health assessment, support and treatment; and prevention of sexually transmitted infections and pregnancy.
- (d) “MOU” means the memorandum of understanding dated May 22, 2014 between the Peace Corps and the Inspector General, a copy of which is attached as Attachment A. The MOU in the form of Attachment A is an integral part of this policy.
- (e) “Official Investigation” means any investigation or other action carried out by the Peace Corps or law enforcement authorities in response to a Sexual Assault, but does not include actions carried out by Designated Staff or other authorized Peace Corps staff for purposes of providing Restricted Report Services.
- (f) “Personally Identifying Information” or “PII” means individually identifying information for or about a Volunteer who is a victim of Sexual Assault, including first and last name, home or physical address (including site location), contact information (such as postal address, email, IP address, telephone or fax number), social security number, date of birth, ethnicity, race, religious affiliation, the location of the incident, the victim’s sector, entry on service date, close of service date or time since swearing-in and any other information that, either individually or in combination with other information, would serve to identify the Volunteer or is likely to disclose the location of the Volunteer. Note: This definition of PII does not apply to requests for information made by OIG. The applicable definition of PII for OIG requests is found in Section III(E) of the MOU.

- (g) “Procedures” means the MS 243 *Procedures for Responding to Sexual Assault*.
- (h) “Restricted Information” means PII and any details of a sexual assault incident.
- (i) “Restricted Report” means a confidential report made to Designated Staff by a Volunteer who is sexually assaulted during service in order for the Volunteer to receive Restricted Report Services without further disclosure of Restricted Information except to the extent necessary for the provision of such Restricted Report Services and without automatically triggering an Official Investigation.
- (j) “Restricted Report Services” means, for a Volunteer who reports being a victim of Sexual Assault:
 - (i) an explanation of the option to make either a Restricted Report or a Standard Report;
 - (ii) provision of a SARL and a Victim Advocate;
 - (iii) provision of a sexual assault forensic exam in accordance with applicable host country law;
 - (iv) provision of emergency health care, including a mechanism to evaluate the provider;
 - (v) provision of counseling and psychiatric medication;
 - (vi) completion and implementation of a Victim Safety Plan and a Medical Treatment Plan;
 - (vii) evacuation for medical treatment accompanied by Designated Staff at the request of the Volunteer and, when evacuated to the United States, to the extent practicable a choice of medical providers and a mechanism to evaluate such providers; and
 - (viii) an explanation of the available law enforcement and prosecutorial options, including, for this purpose, legal representation.
- (k) “Serious or Imminent Threat” means a serious or imminent threat to the health or safety of the Volunteer or others, such as (i) any life threatening, or potentially life threatening condition or security situation, (ii) any condition or security situation that threatens loss of limb or other serious bodily harm, or (iii) any situation that has involved the Volunteer losing consciousness. A threat to health or safety would only be considered to be a Serious or Imminent Threat if it cannot be adequately prevented or lessened by Designated Staff or the Volunteer and will require disclosure of Restricted Information to limited individuals or organizations to adequately prevent or lessen the substance of the threat to health or safety.

- (l) “Sexual Assault” means a Rape, Aggravated Sexual Assault, or Sexual Assault as defined in the Peace Corps’ Consolidated Incident Reporting Guide.
- (m) “Specific need to know” means, with respect to particular information, that an individual is unable to perform a specific task that is part of that individual’s official duties without knowledge of that particular information.
- (n) “Standard Report” means any report by a Volunteer of a Sexual Assault that, in accordance with this policy or the Procedures, is no longer treated as a Restricted Report and may provide the Volunteer with the opportunity to receive services other than Restricted Report Services and trigger an Official Investigation.
- (o) “Standard Report Services” includes all Restricted Report Services, as well as the following:
 - (i) Assisting the Volunteer in making a report of the Sexual Assault to law enforcement authorities;
 - (ii) Assistance in any legal proceedings related to the Sexual Assault;
 - (iii) Retaining legal counsel to represent the Volunteer in legal proceedings in accordance with MS 774 *Retention of Counsel and Payment of Expenses*;
 - (iv) Reporting to and assistance from the Office of Inspector General or the Office of Civil Rights and Diversity;
 - (v) Initiating formal Peace Corps administrative processes, including initiating a complaint of sexual misconduct by another Volunteer in accordance with IPS 1-12 *Volunteer/Trainee Sexual Misconduct*;
 - (vi) Consideration of site and host family changes;
 - (vii) Support and assistance from non-Designated Staff; and
 - (viii) Any other services not listed under Restricted Report Services that are deemed necessary in the particular circumstances.
- (p) “Third party” means an individual other than the Volunteer victim of a sexual assault. The third party could be, for example, another Volunteer, host family member, bystander, neighbor or local official. The recipient of a report from a third party could be any employee of Peace Corps, including Designated Staff, Country Director, post staff, or Office of Inspector General.

- (q) “Victim Safety Plan” means a plan developed by Designated Staff and a Volunteer to address the immediate and ongoing personal safety and emotional needs of the Volunteer following a Sexual Assault.
- (r) “Volunteer” means a currently serving or Returned Peace Corps Volunteer or Trainee who is a victim of a Sexual Assault for the purposes of this Manual Section only.

4.0 Restricted Report

4.1 Making a Restricted Report

- (a) A Volunteer’s report of Sexual Assault is presumed to be a Restricted Report until the Volunteer exercises the option to make the report a Standard Report or until it is otherwise converted into a Standard Report in accordance with the Procedures.
- (b) A Restricted Report should be made to a Designated Staff member at post. However, if a Volunteer initially reports a Sexual Assault to a Peace Corps staff member who is not Designated Staff at post, such staff member must immediately notify the Designated Staff at post, and must not reveal Restricted Information to anyone other than Designated Staff at post. No Peace Corps staff member (other than Designated Staff) may attempt to use any information from a Restricted Report to discover the identity or location of the Volunteer who made the Restricted Report unless it is determined in accordance with the Procedures that an exception in paragraph 4.4(a) applies. Nothing in this sub-paragraph affects the right of OIG to independently investigate incidents or review allegations of mismanagement as set out in paragraph 4.2(d).

4.2 Effect of Making a Restricted Report

- (a) Where a Volunteer has made a Restricted Report, Restricted Information may be disclosed only as set out in this paragraph 4.2, paragraph 4.6 and the Procedures.
- (b) Notwithstanding any other provision of the Peace Corps Manual, Designated Staff may not, without the Volunteer’s consent, disclose Restricted Information to anyone other than other Designated Staff, unless:
 - (i) it is determined in accordance with the Procedures that an exception in paragraph 4.4(a) applies; or
 - (ii) OIG has access to such information in accordance with paragraph 4.6.

This applies to any written or oral communications between the Volunteer and members of the Designated Staff and among members of the Designated Staff that involve Restricted Information.

- (c) The filing by a Volunteer of a Restricted Report will not automatically trigger an Official Investigation. The Peace Corps (including OIG) will not initiate an Official Investigation of a Restricted Report unless and until the Restricted Report is converted into a Standard Report.
- (d) Notwithstanding sub-paragraph (c) above:
 - (i) OIG may, in accordance with the terms set forth in the MOU, initiate an investigation of the incident that is the subject of a Restricted Report if it independently receives information about the incident from a source other than the Volunteer who made the Restricted Report. In that case, the Restricted Report will not automatically be converted into a Standard Report and Designated Staff will remain bound not to reveal Restricted Information to OIG or anyone else (other than other Designated Staff) without the Volunteer's consent unless it is determined in accordance with the procedures that an exception in paragraph 4.4(a) applies or, in the case of OIG, OIG has access to such information in accordance with paragraph 4.6.
 - (ii) A Volunteer may at any time report concerns or allegations regarding mismanagement of the Peace Corps' response to the sexual assault incident to OIG without the Restricted Report being converted into a Standard Report. OIG may initiate and carry out a review of such concerns or allegations and will, with the written consent of the Volunteer, have full access to information related to the Restricted Report.
 - (iii) The Volunteer may at any time report the Sexual Assault to OIG or other law enforcement for the purpose of triggering an Official Investigation of the Sexual Assault. In that case (as opposed to a situation in which the Volunteer reports concerns or allegations regarding mismanagement of the Peace Corps' response as provided in (ii) above), the Restricted Report will be converted into a Standard Report.
 - (iv) If a whistleblower provides information to OIG under the proviso in sub-paragraph (e) below, OIG may use that information to initiate a review into the handling of the Volunteer's case in accordance with the terms set forth in the MOU.
- (e) If any Peace Corps staff member improperly discloses Restricted Information from a Restricted Report or other information regarding the Sexual Assault that is part of a Restricted Report, such staff member may be subject to disciplinary action, including adverse personnel or administrative actions; provided, however, that:
 - (i) anyone may at any time report to OIG concerns or allegations regarding mismanagement of a sexual assault incident without violating this policy; and

- (ii) no Peace Corps staff member will take or threaten to take any action against the person reporting such a concern or allegation to OIG as a reprisal for doing so unless the report to OIG was made with the knowledge that it was false or with willful disregard for its truth or falsity.
- (f) If the Peace Corps is contacted by members of a Volunteer's family regarding a Restricted Report, the Peace Corps will not release any information to such family members even if the Volunteer provides written consent.
- (g) Pursuant to MS 893 *Freedom of Information Act Administration*, when a Freedom of Information Act (FOIA) request is made to Peace Corps to obtain any information regarding a Sexual Assault against a Volunteer, the FOIA Officer should consult with the Designated Security Specialist to ascertain if the information requested is contained in a Restricted Report. If it is covered by a Restricted Report, the Designated Security Specialist will inform the FOIA Officer that the Restricted Report cannot be distributed to the FOIA Officer in accordance with the requirements of the Kate Puzey Peace Corps Volunteer Protection Act of 2011. The FOIA Officer will proceed to process the FOIA request in accordance with MS 893. This provision does not apply if the requestor is the Volunteer who made the Restricted Report.

4.3 Restricted Report Services

- (a) The Peace Corps will make all of the Restricted Report Services available to a Volunteer who makes a Restricted Report.
- (b) In order for a Volunteer to receive services other than Restricted Report Services, a Restricted Report must be converted into a Standard Report in accordance with the Procedures.

4.4 Exceptions to Restricted Reporting

- (a) When a Volunteer makes a Restricted Report, Designated Staff may disclose Restricted Information to the following persons or organizations when the disclosure is for the following reasons:
 - (i) To Peace Corps staff or law enforcement if authorized in writing by the Volunteer.
 - (ii) To Peace Corps staff or law enforcement if necessary to prevent or lessen a Serious or Imminent Threat.
 - (iii) To medical staff, including International Health Coordinator-SANE staff and Counseling and Outreach Unit counselors, in the Office of Health Services at Headquarters and to health care providers outside the Peace Corps if necessary for the provision or procurement of Restricted Report Services.

- (iv) To a state or Federal court if disclosure is ordered by such court or if disclosure is required by a Federal or state statute.
- (b) The Procedures contain further details regarding application of the exceptions set out in paragraph 4.4(a).
- (c) Any disclosure under an exception set out in paragraph 4.4(a) will be only to those with a specific need to know and limited to the minimum information necessary to meet the substance of the exception, and the Peace Corps will take such action as is necessary to protect the privacy and safety of the Volunteer. Designated Staff will make reasonable attempts to provide notice to the Volunteer of any disclosure of Restricted Information where written consent by the Volunteer has not been given.

4.5 Notification to Country Director and the Regional Security Officer

- (a) As soon as possible after receiving a Restricted Report, the PCMO will report to the Country Director that a Sexual Assault has taken place in the country and that the Volunteer opted to make a Restricted Report. The report to the Country Director will include information on the type of assault (Rape, Aggravated Sexual Assault or Sexual Assault), the category of the location of the Sexual Assault (e.g., residence, local establishment, public transportation), and if services were requested. Unless an exception applies in paragraph 4.4(a), the PCMO will not disclose any Restricted Information to the Country Director.
- (b) Upon notification from the PCMO, the Country Director will inform the Regional Security Officer as soon as possible that a Sexual Assault took place in-country and that the Volunteer has opted for a Restricted Report. The Country Director will only provide the Regional Security Officer the type of assault (Rape, Aggravated Sexual Assault or Sexual Assault) and category of the location of the Sexual Assault (e.g., residence, local establishment, public transportation).
- (c) As soon as possible after the initial report to the Country Director, the PCMO will confirm to the Country Director that the Volunteer is safe and that the Designated Staff is working to provide any Restricted Report Services requested by the Volunteer.
- (c) When all requested services have been provided to the Volunteer, the PCMO will confirm to the Country Director that the Volunteer is safe and all requested services were provided.
- (d) Notwithstanding any other provision of the Manual, the Country Director may not disclose information received pursuant to paragraph 4.5(a), 4.5(c) or 4.5(d) to any other staff member, other than Designated Staff or an individual designated as Acting Country Director, or to anyone else unless it is determined in accordance with the Procedures that an exception in paragraph 4.4(a) applies. The Country Director may not use information received pursuant to paragraph 4.5(a), 4.5(c) or 4.5(d) for the

purpose of conducting an Official Investigation or for the purpose of seeking to discover the identity or location of the Volunteer who made the Restricted Report.

- (e) If, at any point, the Country Director's authority is needed to assemble additional support for the Volunteer, the PCMO will notify the Country Director of such request. Unless one of the exceptions in paragraph 4.4(a) applies, the PCMO will not provide the Country Director with Restricted Information or any other information from the Restricted Report other than that referred to in paragraph 4.5(a), 4.5(c) or 4.5(d).

4.6 Access by OIG to Information from Restricted Reports

- (a) On a weekly basis, the Office of Safety and Security's Social Science Analyst in the Crime Statistics and Analysis Unit will provide the following information to OIG regarding all Restricted Reports that have been received in the preceding week: (i) the name of the country where the Sexual Assault occurred; (ii) the type of assault (Rape, Aggravated Sexual Assault or Sexual Assault); and (iii) the category of the location of the Sexual Assault (e.g., residence, local establishment, public transportation).
- (b) The Peace Corps will, on request by OIG, provide OIG with access to all information related to Restricted Reports, including Restricted Information, other than:
 - (i) the first and last name, home or other physical address, contact information (including a postal, email or IP address or telephone or facsimile number) and social security number of the Volunteer; and
 - (ii) explicit details of the sexual assault incident (i.e., details of the actual incident that are graphic, titillating or salacious and would add little value to the oversight process).

Before the Peace Corps provides OIG with records related to Restricted Reports, the Peace Corps will review such records and redact any information described in (i) or (ii) above. The Office of General Counsel will make redactions to all documents and records requested from the Office of Health Services, including those health records requested from post. The Office of Victim Advocacy will make redactions to all other documents and records requests. If OIG disagrees with the extent of the redactions of explicit details of the sexual assault incident, the Office of the General Counsel or the Office of Victim Advocacy, as the case may be, will work with OIG to meet OIG's need for effective oversight to the extent possible taking into consideration the privacy interests of the Volunteer.

- (c) Unless the Volunteer has authorized the agency to release Restricted Information to OIG, OIG will not attempt to use information from a Restricted Report to discover the identity or location of the Volunteer who made the Restricted Report and will conduct its oversight in such a manner so as not to disclose information concerning the Restricted Report to Peace Corps staff other than Designated Staff.

- (d) If OIG wishes to contact the Volunteer who made the Restricted Report, OIG will notify the Director of the Office of Victim Advocacy (or, in the case of a whistleblower complaint under paragraph 4.2(d)(iv), the Director of the Office of Victim Advocacy or another member of the Designated Staff) and request that the Office of Victim Advocacy (or such other member of the Designated Staff) seek the consent of the Volunteer. The Office of Victim Advocacy (or such other member of the Designated Staff) will work with OIG on the nature of the communication to the Volunteer. OIG will not contact a Volunteer who made a Restricted Report with regard to the Restricted Report in the absence of such consent.

5.0 Standard Report

5.1 Effect of Making a Standard Report

- (a) If the Volunteer exercises the option to make the report of a Sexual Assault a Standard Report or a Restricted Report is otherwise converted into a Standard Report in accordance with the Procedures, the Peace Corps will make all Standard Report Services available to the Volunteer as provided in the Procedures.
- (b) A Standard Report cannot be converted to a Restricted Report. Therefore, if a Restricted Report has been converted into a Standard Report in accordance with the Procedures, it may not be converted back to a Restricted Report.

5.2 Confidentiality

- (a) For a Standard Report, Restricted Information and any other information relating to the Sexual Assault may be disclosed only to those Peace Corps staff who have a specific need to know that particular information. Only the minimum information necessary for the Peace Corps staff to perform the required tasks may be disclosed to the Peace Corps staff. However, this does not apply to requests by OIG for information in accordance with 7.1 of MS 861 *Office of Inspector General*. Peace Corps staff must provide OIG with prompt access to all documents, information and records requested by OIG with respect to a Standard Report.
- (b) Pursuant to paragraph 4.4(a)(ii), Designated Staff will make reasonable attempts to provide notice to the Volunteer of any disclosure of Restricted Information where written consent by the Volunteer has not been given.
- (c) Any Peace Corps staff who improperly discloses Restricted Information from a Standard Report or any other information regarding a Sexual Assault that is part of a Standard Report may be subject to disciplinary action, including adverse personnel or administrative actions; provided, however, that:
 - (i) anyone may at any time report to OIG concerns or allegations regarding mismanagement of a sexual assault incident without violating this policy; and

- (ii) no Peace Corps staff member will take or threaten to take any action against the person reporting such a concern or allegation to OIG as a reprisal for doing so unless the report to OIG was made with the knowledge that it was false or with willful disregard for its truth or falsity.
- (d) If the Peace Corps is contacted by members of a Volunteer's family regarding a Standard Report, the Peace Corps will not release any information to such family members even if the Volunteer provides written consent.

6.0 Third Party Reports of Sexual Assault

- (a) In cases where a third party discloses to post, Headquarters, or OIG that a Volunteer is a victim of a Sexual Assault, the agency will attempt to keep the Restricted Report option available to the Volunteer. Designated Staff will be informed of the third party report and immediately contact the Volunteer to determine the safety status of the Volunteer and ascertain if a Sexual Assault did occur. If a Sexual Assault took place, Designated Staff will describe the reporting options and services available to the Volunteer.
- (b) If after being informed of the third party report, the Volunteer files a Restricted Report, paragraph 4.0 above applies.
- (c) If the Volunteer denies that a Sexual Assault occurred, the Designated Staff must disclose the third party report and the Volunteer's response to the CD and follow protocols as prescribed in MS 270. If the third party report involves an allegation that the perpetrator is a Volunteer, staff member, or contractor, the CD must report to OIG in accordance with 7.3 (a) (1) of MS 861.
- (d) If the third party report indicates the perpetrator may be a Volunteer, staff member, or contractor, regardless of Volunteer's decision on filing a report, OIG must be notified as described in MS 861. In cases where the Volunteer files a Restricted Report, OIG will adhere to paragraph 4.6(d) above.
- (e) Staff should adhere to the principles of confidentiality in MS 271 when a third party report is by another currently serving Volunteer (not subject of Sexual Assault) or Peace Corps staff member.

7.0 Procedures

Procedures implementing this Manual Section are contained in the Procedures. Any changes to the Procedures must be approved by the Office of Global Operations, the Office of Safety and Security, the Office of Victim Advocacy, the Office of Health Services, and the Office of the General Counsel.

8.0 Effective Date

- (a) The effective date of this policy is the date of issuance.
- (b) The Office of Victim Advocacy, the Office of Global Operations, the Office of Safety and Security, the Office of Health Services, and the Office of the General Counsel will create mechanisms to monitor and evaluate the effectiveness of this policy and the Procedures, regularly reviewing data from these mechanisms.